



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/067,640	04/27/1998	JAN STALLAERT	ABW0002US	1416

33031 7590 09/14/2006

CAMPBELL STEPHENSON ASCOLESE, LLP
4807 SPICEWOOD SPRINGS RD.
BLDG. 4, SUITE 201
AUSTIN, TX 78759

EXAMINER

AKERS, GEOFFREY R

ART UNIT PAPER NUMBER

3624

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Supp
Notice of Allowability

Application No.

09/067,640

Examiner

Ella Colbert

Applicant(s)

STALLAERT ET AL

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 27 April 1998.
2. ☒ The allowed claim(s) is/are 2,3,14-17,28-35,38,39 and 42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>2</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Supplemental Notice of Allowance

1. Claims 2, 3, 14-17, 28-35, 38, 39, and 42 have been examined.
2. This action is responsive to Applicants' application filed 4/27/98. This application is a continuation-in-part of earlier Application No. 08/992,647 now US Patent No. 6,035,287 issued March 7, 2000.

Allowable Subject Matter

3. The invention relates to a novel system and method for trading asset bundles. An electronic data processing system executing a trade matching mechanism functions as a market intermediary and recombines assets from different market participants such that the requirements of participants seeking to acquire a particular asset are satisfied by participants seeking to dispose of the same asset.

The data processing system operates continuously and market participants can submit new trade orders or bundles or cancel open orders. Matches are sought continuously in real time. These bundles are defined in terms of their size, and a set of values representing the proportions of each of the asset sizes. Each bundle may contain a subset of assets which the market participant seeks to acquire and a subset of assets of which the market participant seeks to dispose. A market participant with more than one entered bundle may specify substantiability among the entered bundles by specifying portfolio constraints into the data processing system.

As bundles are entered, the data processing system matches trades among the plurality of all bundles. A numerical value is utilized which represents the allocation of a

Art Unit: 3693

particular bundle to the matched trade. Finally, the proportion of each asset in the bundle multiplied by the allocation value assigned by the data processing system to the given bundle. The elements that are specified in the independent claims 2, 34, 38, and 42 that differentiate the invention over the prior art are: (A)-Applicants' concept utilizes a method to match a trade when there is a real market surplus of a given asset.

Valuations are chosen by the data processing system so that the matching condition is satisfied. Valuations are represented by the proportions of each asset in each of the bundles forming the trade.

(B)-Applicants' concept utilizes a data processing system which may be a distributed processing system in the bundle trading market. Applicants' apparatus addresses the problem of market fragmentation of assets. Additionally, Applicants' invention encompasses assets which may be non-monetary in characteristics in which case the exchanges are barter, although currency exchanges are not precluded.

The present invention provides a method for hedging the acquisition or disposition of a portfolio of equities by offsetting transactions in futures or options. These transactions take place in fragmented markets because of the nature of the assets is inherently different (derivatives/equities, etc.). Because these assets are essentially decoupled and trade in different markets, trading them individually may lead to an overall loss due to the different volatilities of the different assets. In this way the present invention meets the need of a combined "bundle" of assets to mitigate the risk of loss arising as a consequence of the trading of decoupled assets in divergent

Art Unit: 3693

markets. The cited prior art does not disclose limitations in the context of the claims as stated in the independent claims 2, 34, 38, and 42.

Any comments considered necessary by Applicants' must be submitted no later than the payment of the issue fee and, to avoid delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

Prior art of record does not disclose trading in bundles of assets to mitigate market volatility and risk of loss. This art of record includes:

Ferstenberg (US 5,873,071) discloses a computer method for intermediated exchange of commodities.

Braddock (US 4,412,287) disclose an automated stock exchange.

Kalmus (US 4,674,044) discloses an automated securities trading system.

Silverman (US 5,077,665) discloses a distributed matching system.

Silverman (US 5,136,501) discloses an anonymous matching system.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 24, 2006


ELLA COLBERT
PRIMARY EXAMINER